

CITY COUNCIL AGENDA

FEBRUARY 10, 2004

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:33 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members – Chirco; Gonzales (excused).

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – Chirco; Gonzales (excused).
- **Invocation (District 2)**
Valley Christian Junior High School, 8th grade student, Emma Lyle delivered the Invocation.
- **Pledge of Allegiance**
Vice Mayor Dando led the Pledge of Allegiance.
- **Orders of the Day**

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of October 28, 2003
- (b) Joint Council/Redevelopment Agency meeting of October 28, 2003
- (c) Regular meeting of November 4, 2003
- (d) Regular Meeting of November 18, 2003, and Special Study Session
- (e) Joint Council/Redevelopment Agency meeting of November 18, 2003
- (f) Regular meeting of November 25, 2003
- (g) Joint Council/Redevelopment Agency meeting of November 25, 2003
- (h) Joint Council/Redevelopment Agency/Financing Authority of November 25, 2003
- (i) Regular meeting of December 2, 2003
- (j) Joint Council/Redevelopment Agency meeting of December 2, 2003
- (k) Regular meeting of December 9, 2003
- (l) Joint Council/Redevelopment Agency meeting of December 9, 2003

Approved.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

None.

2.3 Approval of an agreement for reimbursement to the City for lease space for the Airport's administrative offices.

Recommendation: Approval of a third amendment to the office lease with RNM First Street Center, LP ("RNM") for Airport Administrative Offices, located at 1732 N. First Street, to provide for reimbursement by RNM to the City for the cost of painting and carpeting a portion of the leased premises in an amount not to exceed \$76, 283. CEQA: Resolution Nos. 67380 and 71451, PP 04-01-008. (Airport)

Approved.

2.4 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Eden Avenue Traffic Calming Improvements Project with a net impact to the fund of \$74,750.

Ordinance No. 27068 adopted.

Resolution No. 71953 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Eden Avenue Traffic Calming Improvements Project.

CEQA: Not a Project. Council District 1. SNI: Winchester. (City Manager's Office)

Resolution No. 71954 adopted.

2.5 Approval to submit an application to the California Integrated Waste Management Board.

Recommendation: Adoption of a resolution authorizing the City Manager to submit an application to the California Integrated Waste Management Board for re-designation of the City of San José as a Recycling Market Development Zone . CEQA: Negative Declaration, PP 03-12-373. (Environmental Services)

Resolution No. 71955 adopted.

2.6 Approval to award a contract for the Carrabelle Park Play Area Improvements Project.

Recommendation: Report on bids and award of contract for the Carrabelle Park Play Area Improvements Project to the low bidder, Lone Star Landscape, Inc., in the amount of \$144,700, and approval of a contingency in the amount of \$8,000. CEQA: Exempt, PP03-12-380. Council District 10. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

2 CONSENT CALENDAR

2.7 Acceptance of the San José Arena Authority Ticket Distribution Program Report.

Recommendation: Acceptance of the Fourth Quarter 2003 San José Arena Authority Ticket Distribution Program Report. CEQA: Not a Project. (San José Arena Authority)

The Fourth Quarter 2003 San José Arena Authority Ticket Distribution Program Report was accepted.

2.8 Approval to initiate General Plan text and Land Use diagram amendments regarding recycling facilities.

Recommendation: Approval to initiate General Plan text and Land Use diagram amendments regarding recycling facilities and direct staff to draft such language for Council consideration at the June 1, 2004 General Plan hearing. (Reed)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee

Vice Mayor Dando, Chair

Meeting of January 28, 2004

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review February 10, 2004 Draft Agenda

The Committee recommended approval of the February 10, 2004 City Council agenda with one addition.

(2) Add New Items to February 3, 2004 Amended Agenda

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

The Committee recommended two additions to the February 3, 2004 City Council agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's report listing two staff reports outstanding for the February 3, 2004 Council agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – Meeting of January 28, 2004 (Cont'd.)

- (c) Legislative Update
 - (1) State
Vice Mayor Dando requested a status report, in two weeks, on AB 488 and any other bills related to Megan's Law.
 - (2) Federal – There was no report.
 - (d) Meeting Schedules – **There were none.**
 - (e) The Public Record
The Committee forwarded Item (a), a letter from the Parks and Recreation Commission, to the Planning Department and to District 2 Council Member Forrest Williams, with direction to send a reply to the Commission. The Committee noted and filed the Public Record.
 - (f) Appointment to Boards, Commissions and Committees – **There were none.**
 - (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Report back on Labor Code requirements for payment of workers' compensation benefits
The Committee referred this item to the February 3, 2004 Council agenda with additional language to request amendment of the Council-approved Legislative Action Plan to add the matter of payment of workers' compensation benefits.
- COUNCIL ACTION TAKEN ON 2/3/04 – Item 3.4**
- (h) Oral communications
None were presented.
 - (i) Adjournment
The meeting adjourned at 2:15 P.M.

The Rules Committee report and actions of January 28, 2004 were accepted.

Meeting of February 4, 2004 (Partial)

- (c) Legislative Update
 - (3) Approve a support position for Regional Measure 2, The Regional Traffic Relief Plan, on the March 2, 2004 State Primary ballot
The Committee recommended a support position for Regional Measure 2, The Regional Traffic Relief Plan, on the March 2, 2004 State Primary Ballot.

SEE ITEM 3.5 FOR COUNCIL ACTION TAKEN

The Partial Rules Committee report and actions of February 4, 2004 were accepted.

3 STRATEGIC SUPPORT SERVICES

- 3.3 Report of the Making Government Work Better Committee
Council Member Campos, Chair
No Report.**

- 3.4 Approval of the 2003-2004 Mid-Year Budget Review Report.**

Recommendation:

- (a) Approval of the 2003-2004 Mid-Year Budget Review.
- (b) Adoption of related appropriation ordinance and funding sources resolution amendments for the 2003-2004 Mid-Year Budget Review.
- (c) Addition of one net position as detailed in the 2003-2004 Mid-Year Budget Review.

CEQA: Not a Project. (City Manager's Office)

Deferred to 2/17/04.

(Rules Committee referral 2/4/04)

- 3.5 Approve a support position for Regional Measure 2.**

Recommendation: Approve a support position for Regional Measure 2, The Regional Traffic Relief Plan, on the March 2, 2004 State Primary ballot.

[Rules Committee referral 2/4/04 – Item 3.2(c)(3)]

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Building Strong Neighborhoods Committee
Council Member Chavez, Chair
No Report.**

- 4.2 Report of the Driving a Strong Economy Committee – January 26, 2004
Council Member Williams, Chair**

- (a) Discussion on the goals and targets of the Development Fee Program
The Committee unanimously accepted the staff report.
- (b) State and Federal regulations impacting San José Business
The Committee accepted staff's report and recommended staff to do further analysis of the priority issues the City and private sector should collaborate on and refer this to the Rules Committee for further evaluation and action.
- (c) Oral petitions
Phyllis Ward, Affordable Housing Network, spoke on Secondary Units.
- (d) Adjournment
The meeting was adjourned at 3:07 P.M.

The Building Strong Neighborhoods Committee report and actions of January 26, 2004 were accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of actions for the City's Affordable Housing Development Program.

Recommendation: Adoption of a resolution:

- (a) Approving a strategy to provide for the ongoing funding of the City's affordable housing programs, including rental housing development, first-time homebuyer programs, and housing rehabilitation activities.
- (b) Approving project threshold criteria and a weighting system for scoring proposed developments upon which to base future funding-commitment recommendations for affordable housing development projects.

CEQA: Not a Project. (Housing)

Deferred to 2/24/04.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee

Council Member Yeager, Chair

No Report.

5.2 Approval to award a contract for the Plaza de Cesar Chavez Electrical Upgrades Rebid Project.

Recommendation: Report on bids and award of contract for the Plaza de Cesar Chavez Electrical Upgrades Rebid Project to the low bidder, Edward W. Scott Electric Co., Inc., for the base bid in the amount of \$1,421,500, and approval of a contingency in the amount of \$175,000. CEQA: Exempt, PP03-06-202. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

5.3 Approval of actions for the Almaden Community Center Lease.

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a lease with Garrett Rajkovich for space located at 6475 Camden Avenue, to provide interim program space for the Almaden Community Center, for a period not to exceed 18 months, with a total rental amount not to exceed \$99,576, and an additional \$35,724 will be required for tenant improvements, communication, and moving costs.
- (b) Adoption of the following appropriation ordinance amendments in the General Fund:
 - (1) Establish a City-wide appropriation to the Parks, Recreation and Neighborhood Services Department for the Almaden Community Center Lease for \$135,300;
 - (2) Decrease the Hoffman/Via Monte Neighborhood Center Project by \$135,300.

CEQA: Exempt, PP03-12-392. Council District 10. SNI: Hoffman/Via Monte. (Parks, Recreation and Neighborhood Services/City Manager's Office)

(Rules Committee referral 2/4/04)

Dropped.

6 TRANSPORTATION SERVICES

- 6.1 Report of the Building Better Transportation Committee
Council Member Cortese, Chair
No Report.

7 ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Public Hearing and approval of an ordinance establishing an Underground Utility District on Stevens Creek Boulevard between Calvert Drive and Stern Avenue.

Recommendation: Public Hearing and approval of an ordinance establishing a Rule 20A Underground Utility District on Stevens Creek Boulevard between Calvert Drive and Stern Avenue. CEQA: Exempt, PP03-12-375. Council District 1. (Public Works)
Ordinance No. 27069 passed for publication.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report

City Attorney Doyle disclosed the following Closed Session action(s) of February 10, 2004:

A. Authority to Enter Litigation Case as *Amicus Curiae*:

Case Name: Silicon Valley Taxpayers Assn., et al. v. The Santa Clara County Open Space Authority

Adverse party or parties: Silicon Valley Taxpayers Assn., et al.

Substance of litigation: Challenge to the Santa Clara County Open Space Authority's establishment of an assessment district to provide funds for open spaces and parkland in Silicon Valley.

Council Vote: Ayes: Pat Dando, Nora Campos, Cindy Chavez, David D. Cortese, Terry O. Gregory, Linda J. LeZotte, Chuck Reed, Forrest Williams and Ken Yeager.

No: None.

Abstain: None.

Not Present: Ron Gonzales and Judy Chirco.

- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- **Open Forum—**
 - 1) **Grady Harp spoke on San José Family Camp issues.**
 - 2) **Jim Gower spoke on issues pertaining to the San José Family Camp.**
 - 3) **Harry Wellman spoke on recent activities related to the San José Family Camp. .**
 - 4) **Ralph Occhipinti spoke on budgetary issues relating to the San José Family Camp.**

- **Adjournment**
The Council of the City of San José adjourned at 1:54 P.M in memory of Casey Bennett, brother of Council Member Judy Chirco.